THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.6382 of 2007

30th March 2007

Between:

Smt.Bharathi Devi, W/o.A.Satyanarayana, 71 years, R/o.Plot No.1256, Road No.63, Jubliee Hills, Hyderabad.

...PETITIONER

AND

1. The Joint Collector-II, Ranga Reddy District at Lakdikapool, Hyderabad.

And 15 others.

...RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

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ORDER:

It is stated that the petitioner filed an appeal under Section 90 of the A.P. (Telangana Area) Tenancy of Agricultural Lands Act, 1950 aggrieved by the order of the second respondent in case No.L/1758/1/2000 dated 23.09.2002 on the file of the Collector, Ranga Reddy District. It is stated that the appeal in proceedings No.F2/240/2003 was dismissed for default vide order dated 15.11.2005. To set aside the dismissal order, the petitioner filed an application along with an application to condone the delay of 79 days. The said application filed for restoration of the appeal has been rejected on the ground that the appeal is time barred. When the application has been filed to condone the delay under Section 5 of the Limitation Act, it is incumbent on the part of the first respondent to consider the same and pass orders. But the same was not done.

For the above said reason, the impugned order is set aside and the matter is remitted to the first respondent to dispose of the application filed by the petitioner under Section 5 of the Limitation Act as well as the petition filed under Order IX Rule 9 of the Code of Civil

Procedure considering the application for condoning the delay in filing the appeal. The Writ Petition is disposed of with the aforesaid observation. No costs.

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(V.ESWARAIAH, J)

30th March 2007

Note: CC by one week
B/O
RRB